

Section 7(b) Limits on Investigative Matters

Although this section prohibits questions regarding "financial matters...", Section 7 (d)(1)(iv) requires the investigator to "ascertain the individual's financial status and credit habits over the most recent five years."

The entire list of proscribed areas of inquiry, while obviously intended to protect individual privacy, would make it difficult to resolve such matters as individuals whose behavior patterns may or may not constitute delinquency or misconduct, whatever is meant by these terms; or criminal, dishonest, infamous, or notoriously disgraceful conduct; or create reasonable doubt as to the person's loyalty to the United States, all of which are reason for disqualification in Section 8(b).

Section 7(f)(4) Investigative Limitations with Respect to Privacy

Paragraph (iii) directs the investigator to "inform witnesses of...the eligibility of the testimony for confidential treatment", but Section 10(b) (vi) indicates persons whose clearances are to be revoked must have "an opportunity to cross-examine persons...or matter relevant to his eligibility for clearance". Is there a contradiction here? Can an informant who is not regularly engaged in providing information have his or her identity protected?

Section 7(d)(vii). What does this mean?

Section 7(d)(viii) "Behavioral patterns" are influenced, even controlled, by "personal and domestic affairs", which are designated as irrelevant in Section 8(b), and which may not be the subjects of inquiry.

Section 8(f)(2)(ii) and (iii) - Presumably these will be couched in very general terms. Otherwise, it will be impossible to foresee all the various sources to be queried and all the individuals and organizations that will have access to the information.

Section 7(f)(4)(viii) Does this prohibit the use of information developed through conventional investigation as a result of leads obtained by polygraph examination?

Section 7(i) Use of Prior Investigations apparently is contradicted by Section 13b(2)(e)(iv) and (v), which are discussed below.

Section 8(a) States a contradictory objective: it "does not purport to predict...future behavior", but "is an effort to assess the probability of future conduct". This would promptly appear in the gobbledygook column of the Washington Star if it should ever be published.

The same section states further that "where the nature of the position is such that the consequences of failure are of little national import or are easily reparable, many doubts...may be resolved in his or her favor". If it ain't important, why spend money on an investigation in the first place? Furthermore, if doubts are resolved in the Subject's favor for a specific position, will the investigation be reappraised each time he or she is promoted or reassigned, to ensure that "the consequences of failure" continue to be "of little import"?

Section 13(e)(iv) Disposal of Investigative Reports

In view of the rising cost of conducting investigations, it seems nothing short of a criminal waste of the taxpayer's money to destroy investigative reports as long as there is any possibility that Subject may be considered for employment in a position which may require a security investigation. This cost factor is constant, regardless of whether the individual was considered for a General Standards Position or a Position of Special Trust. Reports should be maintained until the death of the Subject or until his retirement from the labor market - perhaps age 65 should be suitable.

Section 13b(2)(e)(v) Retention of Reports

How does one determine investigative information that is no longer relevant or timely? If the purpose of the investigation is to review the Subject's past life in sufficient detail to assess the probability of future conduct (See Sec 8(a) Objectives), then all the information gathered on an individual is relevant. I do not understand the use of the word "timely" in this regard.